

ATTACHMENT C

PC Resolution No. 2016-35

Change of Zone 13-0082

PC RESOLUTION NO. 2016-35

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF A CHANGE OF ZONE (PLANNING APPLICATION NO. 13-0082) TO CHANGE THE EXISTING ZONING DESIGNATION FROM C-P-S (SCENIC HIGHWAY COMMERCIAL) TO R-3 (GENERAL RESIDENTIAL) FOR A 13.48 ACRE PORTION OF THE PROJECT SITE LOCATED AT THE NORTHEAST CORNER OF THE 1-15 FREEWAY AND CATT ROAD (APN: 376-410-013, 376-410-023 & 376-410-025)

WHEREAS, the Planning Department has received an application for a Change of Zone application (PA No. 13-0082) from:

| | |
|-------------------|--|
| Applicant/Owner: | Golden Eagle Multifamily Properties (Danny Brose, Project Manager) |
| Project Location: | NEC of the I-15 Freeway and Catt Road |
| APN: | 376-410-013, 376-410-023 & 376-410-025 |
| Project Area: | 27.68± acres |

WHEREAS, the Planning Commission of the City of Wildomar, California, has the authority to review the proposed Westpark Promenade Change of Zone No. 13-0082 as proposed in accordance with the California Government Code, Sections 65853 and 65854, and the City of Wildomar Municipal Code, Title 17, Section 17.280.040; and

WHEREAS, in accordance with Government Code Sections 65854, and Chapter 17.280.040 of the Wildomar Municipal Code, the City of Wildomar Planning Department on October 19, 2016 gave public notice by mailing a public hearing notice to all property owners within a 600-foot radius of the project boundaries notifying said property owners of the date and time of the public hearing for the Change of Zone 13-0082 that would be considered by the City of Wildomar Planning Commission; and

WHEREAS, in accordance with Government Code Sections 65854, and Chapter 17.280.040 of the Wildomar Municipal Code, the City of Wildomar Planning Department on October 21, 2016 published a legal notice in the "Press Enterprise," a local newspaper of general circulation, in compliance with State law notifying the general public of the holding of a public hearing for Change of Zone No. 13-0082 that would be considered by the City of Wildomar Planning Commission; and

WHEREAS, in accordance with Government Code Section 65854 and Chapter 17.280.040 of the Wildomar Municipal Code, the City of Wildomar Planning Commission conducted the duly noticed public hearing on November 2, 2016, at which time all interested persons had an opportunity to testify in support of, or opposition to, the

proposed Change of Zone, and at which time the Planning Commission received public testimony concerning Change of Zone No. 13-0082.

NOW, THEREFORE, the Planning Commission of the City of Wildomar does hereby resolve, determine and order as follows:

SECTION 1. CEQA.

The approval of Change of Zone No. 13-0082 is in compliance with requirements of the California Environmental Quality Act (“CEQA”), in that on November 2, 2016, at a duly noticed public hearing, the Planning Commission recommended to the City Council certification of an Environmental Impact Report (SCH# 2014021022) reflecting its independent judgment and analysis and documenting the environmental impacts and mitigation measures related to the proposed Westpark Promenade project. The documents comprising the City’s environmental review for the project are on file and available for public review at Wildomar City Hall, 23873 Clinton Keith Rd., Suite 201, Wildomar, CA 92595.

SECTION 2. MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP).

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 3. ZONE CHANGE FINDING.

In accordance with the State of California, Government Code Sections 65855 and Chapter 17.280 of the Wildomar Zoning Ordinance, the Planning Commission, in light of the whole record before it, including but not limited to the Planning Department’s staff report and all documents incorporated by reference herein, the City’s General Plan and any other evidence within the record or provided at the public hearing of this matter, recommend the City Council find and determine as follows:

- A. The proposed change of zone is in conformance with the adopted General Plan for the City of Wildomar.

Evidence: The applicant is proposing to amend the general plan land use designations for the project site to CR and VHDR to accommodate the commercial retail and single-family attached condominium project. The proposed zone changes to C-P-S (Scenic Highway Commercial) and R-3 (General Residential) for the Westpark Promenade Mixed-Use project, upon approval of the proposed GPA, will be consistent with, and implement, the following goals and polices of the General Plan:

- LU 2.1 The proposed commercial and residential development project will accommodate a land use development that is in accordance with patterns and distribution of land uses that are depicted on the General Plan Land Use map proposed for the subject site.
- LU 4.1 The proposed commercial and residential development project will accommodate a land use development proposal that is located and designed to visually enhance and not degrade the character of the surrounding area.
- LU 6.1 The proposed commercial and residential development project will be developed in accordance with the proposed General Plan land use designation that ensures compatibility and minimizes impacts.
- LU 23.1 The proposed land use amendment resulting in the commercial retail and condominium areas of the project is properly located and designated for commercial and residential development in accordance with the General Plan.
- LU23.6 The proposed commercial and residential development project will have proper mitigation measures to protect the neighboring residential areas from noise, light, fumes, odors, vehicular traffic, parking and operational hazards, etc., as outlined in the DEIR.
- LU23.7 The proposed commercial and residential development project will be served by water and sewer along provided by EVMWD to meet the project demands.
- LU 23.8 The proposed commercial and residential development project will provide needed services and jobs for the Wildomar community in accordance with the General Plan.
- H-1.1 The proposed single family condominium areas will help ensure a sufficient supply of properly planned land to meet housing needs identified in the City's Regional Housing Needs Allocation (RHNA) required in the Housing Element.
- H-6.1 The proposed single family condominium areas will utilize energy conservation measures in that each enclosed garage space has an EV charging outlet for electric vehicles, and will be designed to meet Green Building code standards. In addition, the commercial retail development has been designed to meet the Green Building code standards.

SECTION 4. PLANNING COMMISSION ACTION.

The Planning Commission, based on the findings above, hereby adopts PC Resolution No. 2016-35 recommending City Council adoption of an Ordinance (attached hereto and incorporated herein by reference as Exhibit 1) approving Change of Zone No. 13-0082 as depicted on Exhibit 1 to the Ordinance.

PASSED, APPROVED AND ADOPTED this 2nd day of November 2016, by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

Veronica Langworthy
Planning Commission Chairman

ATTEST:

Matthew C. Bassi
Planning Director/Minutes Secretary

APPROVED AS TO FORM:

Erica L. Vega
Assistant City Attorney

ATTACHMENT C - EXHIBIT 1

**Draft City Council Ordinance for
Change of Zone No. 13-0082**

DRAFT ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING A CHANGE OF ZONE (PLANNING APPLICATION NO. 13-0082) TO CHANGE THE EXISTING ZONING DESIGNATION FROM C-P-S (SCENIC HIGHWAY COMMERCIAL) TO R-3 (GENERAL RESIDENTIAL) FOR A 13.48 ACRE PORTION OF THE PROJECT SITE LOCATED AT THE NORTHEAST CORNER OF THE 1-15 FREEWAY AND CATT ROAD (APN: 376-410-013, 376-410-023 & 376-410-025)

THE WILDOMAR CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. CEQA

The approval of Change of Zone No. 13-0082 is in compliance with requirements of the California Environmental Quality Act ("CEQA"), in that on _____, 2016, at a duly noticed public hearing, the City Council adopted an Environmental Impact Report (EIR) and Mitigation Monitoring & Reporting Program for Change of Zone No. 13-0082 reflecting its independent judgment and analysis and documenting the environmental impacts and mitigation measures related to the project. The documents comprising the City's environmental review for the project are on file and available for public review at Wildomar City Hall, 23873 Clinton Keith Rd., Suite 201, Wildomar, CA 92595.

SECTION 2. Multiple Species Habitat Conservation Plan (MSHCP)

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 3. Change of Zone Findings

In accordance with the State of California, Government Code 65856 and 65857 and Chapter 17.280 of the Wildomar Zoning Ordinance, the City Council, upon recommendation of the Planning Commission, in light of the whole record before it, including but not limited to the Planning Department's staff report and all documents incorporated by reference herein, the City's General Plan and any other evidence within the record or provided at the public hearing of this matter, finds and determines as follows:

- A. The proposed change of zone is in conformance with the adopted General Plan for the City of Wildomar.

Evidence: The applicant is proposing to amend the general plan land use designations for the project site to CR and VHDR to accommodate the commercial retail and single-family attached condominium project. The proposed zone changes to C-P-S (Scenic Highway Commercial) and R-3 (General Residential) for

the Westpark Promenade Mixed-Use project, upon approval of the proposed GPA, will be consistent with, and implement, the following goals and polices of the General Plan:

- LU 2.1 The proposed commercial and residential development project will accommodate a land use development that is in accordance with patterns and distribution of land uses that are depicted on the General Plan Land Use map proposed for the subject site.
- LU 4.1 The proposed commercial and residential development project will accommodate a land use development proposal that is located and designed to visually enhance and not degrade the character of the surrounding area.
- LU 6.1 The proposed commercial and residential development project will be developed in accordance with the proposed General Plan land use designation that ensures compatibility and minimizes impacts.
- LU 23.1 The proposed land use amendment resulting in the commercial retail and condominium areas of the project is properly located and designated for commercial and residential development in accordance with the General Plan.
- LU23.6 The proposed commercial and residential development project will have proper mitigation measures to protect the neighboring residential areas from noise, light, fumes, odors, vehicular traffic , parking and operational hazards, etc., as outlined in the DEIR.
- LU23.7 The proposed commercial and residential development project will be served by water and sewer along provided by EVMWD to meet the project demands.
- LU 23.8 The proposed commercial and residential development project will provide needed services and jobs for the Wildomar community in accordance with the General Plan.
- H-1.1 The proposed single family condominium areas will help ensure a sufficient supply of properly planned land to meet housing needs identified in the City's Regional Housing Needs Allocation (RHNA) required in the Housing Element.
- H-6.1 The proposed single family condominium areas will utilize energy conservation measures in that each enclosed garage space has an EV charging outlet for electric vehicles, and will be designed to meet Green Building code standards. In addition, the commercial retail

development has been designed to meet the Green Building code standards.

SECTION 4: Amendment to the Zoning Map

The City Council, based on the findings above, hereby approves a change to the City of Wildomar Zoning Map for the Westpark Promenade Mixed-Use project located at the northeast corner of the I-15 Freeway and Catt Road, otherwise known as APN's: 376-410-013, 376-410-023 & 376-410-025, as illustrated in Exhibit 1 of this Ordinance.

SECTION 5. Effective Date of the Ordinance.

This Ordinance shall take effect and be in full force and operation thirty (30) days after its second reading and adoption.

SECTION 6 Severability.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 7. City Clerk Action

The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and pasting procedure authorized under Government Code Section 39633(c).

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2016.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

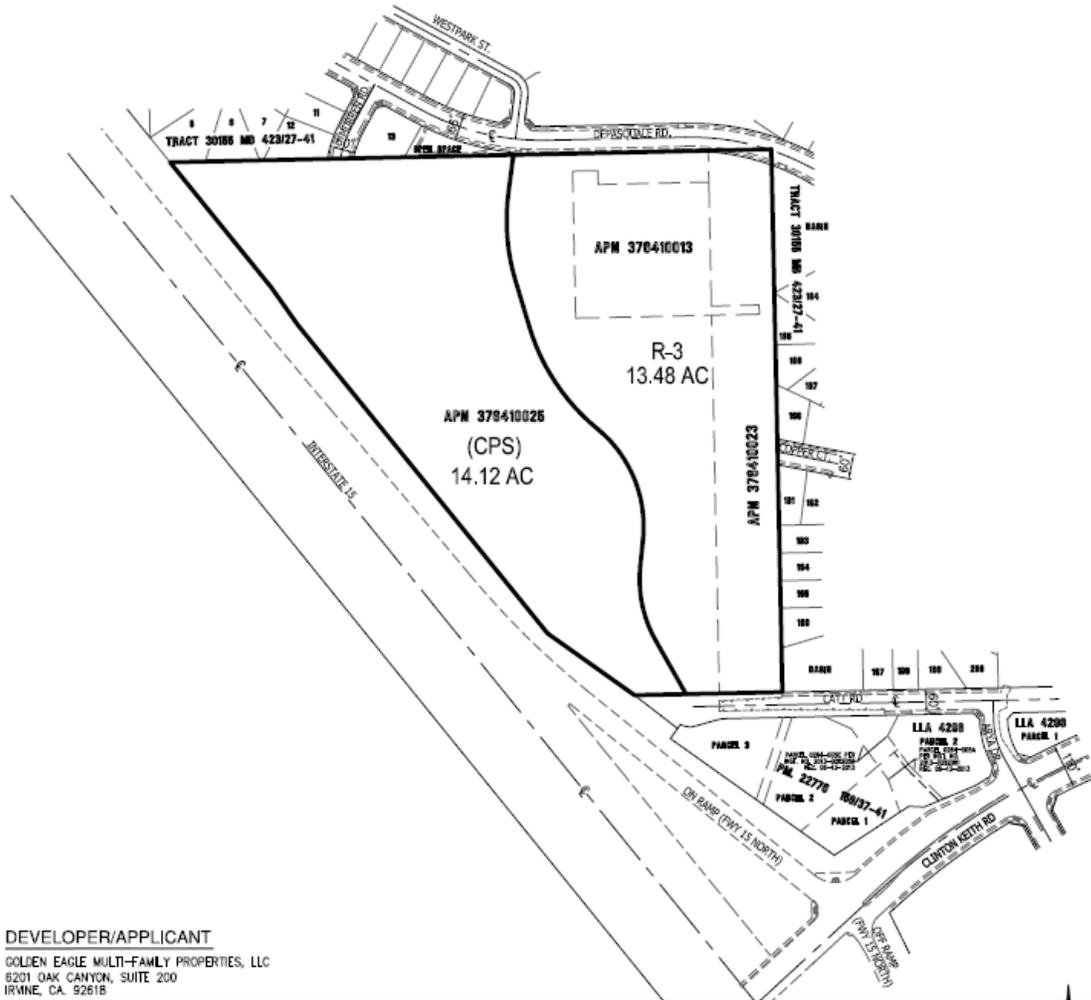
ATTEST:

Thomas D. Jex
City Attorney

Debbie A. Lee, CMC
City Clerk

EXHIBIT 1
Zone Change Boundary Exhibit

CZ-2013-0046
SEC. 36, T.6S., R.4W.



DEVELOPER/APPLICANT
GOLDEN EAGLE MULTI-FAMILY PROPERTIES, LLC
5201 OAK CANYON, SUITE 200
IRVINE, CA 92618